

A SUBSTITUTE ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND SECTION 18 OF THE ATLANTA HOUSING CODE OF 1987 AND SECTION 8-2094 OF THE ATLANTA COMMERCIAL, INSTITUTIONAL, & INDUSTRIAL BUILDING MAINTENANCE CODE SO AS TO PROVIDE A NEW MINIMUM PENALTY SCHEDULE FOR CODE VIOLATIONS; SO AS TO PROVIDE A NEW FEE SCHEDULE FOR INITIAL AND SUBSEQUENT INSPECTIONS TO DETERMINE IF SUCH VIOLATIONS EXIST AND/OR HAVE BEEN CORRECTED; AND FOR OTHER PURPOSES.

WHEREAS, the enforcement of various codes including the Atlanta Housing Code and the Atlanta Commercial, Institutional, & Industrial Building Maintenance Code resides within the Bureau of Code Compliance and is an integral part of providing for the health, safety, and general welfare of the city's residents; and

WHEREAS, the Atlanta Housing Code and the Atlanta Commercial, Institutional, & Industrial Building Maintenance Code currently imposes minimum fines in the event of conviction in the Atlanta Municipal Court; and

WHEREAS, the City finds that the amount of the fine should be determined in part by whether or not compliance has been achieved at the time of sentencing by the Court; and

WHEREAS, the City finds it in the interests of the public health, safety and welfare that a new fine structure and schedule be implemented.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: That paragraph (d) of Section 18 of the Atlanta Housing Code entitled "Penalties" is hereby amended and renumbered so as to read hereafter as follows (with deletions "struck-through" and additions "underlined"):

(d) Penalties. Failure to comply with any provision of this Code shall constitute an offense and shall be punishable as follows:

- (1) A first conviction for violation of this Code shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has been brought into compliance at the time of sentencing. A first conviction for violation of this Code shall be punishable by a fine not less than ~~three hundred fifty~~ five hundred dollars (~~\$350~~500.00) nor more than one thousand

dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has not been brought into compliance at the time of sentencing.

- (2) A second conviction for violation of this Code shall be punishable by a fine of not less than ~~three hundred and fifty~~ five hundred dollars (~~\$3500.00~~) nor more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has been brought into compliance at the time of sentencing. A second conviction for violation of this code shall be punishable by a fine of ~~not less than five hundred dollars (\$500.00) nor more than one thousand~~ dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has not been brought into compliance at the time of sentencing.
- (3) A third conviction for violation of this Code shall be punishable by a fine of ~~five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both, if the violation has been brought into compliance at the time of sentencing. A third conviction for violation of this Code shall be punishable by a fine of one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has not been brought into compliance at the time of sentencing.~~
- (4) A fourth or subsequent conviction for violation of this Code shall be punishable by imprisonment for no less than (30) days and no more than one hundred eighty (180) days, ~~a fine of one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both.~~
- (5) The Municipal Court shall levy a fee of fifty dollars (\$50.00) for the inspection of the property by a Code Enforcement Officer for which the citation was issued. In each instance where the Municipal Court resets the case to afford the defendant an opportunity to come into compliance, the Municipal Court shall levy a fee of one hundred ~~hundred~~ fifty dollars (~~\$100~~ \$50.00) for each re-inspection by a Code Enforcement Officer of properties found in violation of this Code where, after the re-inspection, ~~the property continues to be in non-compliance.~~
- (6) Where a person shall be convicted of more than one (1) offense and sentenced to imprisonment, such sentences shall be served concurrently; provided, however, that the judge may, at his or her discretion, direct that these sentences run severally if said sentence would not exceed one hundred eighty (180) days.
- (7) Any or all of the penalties prescribed in this subsection may be imposed upon the appropriate officers or partners of a corporation, partnership or other legal entity that acts unlawfully pursuant to Section 17(a).

Section 2: That paragraph (h) of Section 18 of the Atlanta Housing Code entitled "Penalties" is hereby amended so as to read hereafter as follows (with deletions "struck-through" and additions "underlined"):

- (h) Notwithstanding paragraph (d), failure to comply with any provision of Section 19 of this Code shall constitute an offense and shall be punishable as follows:
- (1) A first conviction for violation of Section 19 of this Code shall be punishable by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has been brought into compliance at the time of sentencing. A first conviction for violation of Section 19 of this Code shall be punishable by a fine of not less than seven hundred fifty dollars (\$750.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has not been brought into compliance at the time of sentencing.
 - (2) A second or ~~subsequent~~ third conviction for violation of Section 19 of this Code shall be punishable by a fine of one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both.
 - (3) A fourth or subsequent conviction for violation of this Code shall be punishable by imprisonment for no less than thirty (30) days and no more than one hundred eighty (180) days.

Section 3: That paragraph (c) of Section 8-2094 of the Atlanta Commercial, Institutional, & Industrial Building Maintenance Code, entitled "Penalties" is hereby amended so as to read hereafter as follows (with deletions "struck-through" and additions "underlined"):

- (c) *Penalties.* Failure to comply with any provision of this Code shall constitute an offense and shall be punishable as follows:
- (1) Upon first conviction, each separate violation of this Code shall be punishable by a fine of not less than \$500.00 nor more than \$1,000.00 or imprisonment for not more than 60 days or both.
 - (2) A second or third conviction for violation of this code shall be punishable by a fine of ~~not less than \$750.00 per separate offense nor more than \$1,000.00~~ or imprisonment for not more than 60 days or both.
 - (3) A ~~third~~ fourth conviction and any conviction thereafter of this code shall be punishable by imprisonment for no less than thirty (30) days and no more than one hundred eighty (180) days. ~~a fine of \$1,000.00 per separate offense nor more than 60 days or both.~~
 - (4) Where a person shall be convicted of more than one offense and sentenced to imprisonment, said sentences shall be served concurrently; provided however, the

judge may in his/her discretion, direct that these sentences run severally if said sentence would not exceed 180 days.

- (5) Any or all penalties prescribed in this subsection may be imposed upon the appropriate officers or partners of a corporation, partnership or other legal entity for the failure to comply with any provision of this Code.
- (6) The Municipal Court shall levy a fee of fifty dollars (\$50.00) for the inspection of the property by a Code Enforcement Officer for which the citation was issued. In each instance where the Municipal Court resets the case to afford the defendant an opportunity to come into compliance, the Municipal Court shall levy a fee of fifty dollars (\$50.00) for each re-inspection by a Code Enforcement Officer.

(Do Not Write Above This Line)	<p>A SUBSTITUTE ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE</p> <p>AN ORDINANCE TO AMEND SECTION 18 OF THE ATLANTA HOUSING CODE OF 1987 AND SECTION 8-2094 OF THE ATLANTA COMMERCIAL, INSTITUTIONAL, & INDUSTRIAL BUILDING MAINTENANCE CODE SO AS TO PROVIDE A NEW MINIMUM PENALTY SCHEDULE FOR CODE VIOLATIONS; SO AS TO PROVIDE A NEW FEE SCHEDULE FOR INITIAL AND SUBSEQUENT INSPECTIONS TO DETERMINE IF SUCH VIOLATIONS EXIST AND/OR HAVE BEEN CORRECTED; AND FOR OTHER PURPOSES.</p>		<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1st ADOPT 2nd READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER	Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____
Committee _____ Date _____ Chair _____ Referred To _____	Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ _____ _____ _____ _____ _____ Refer To _____		Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ _____ _____ _____ _____ Refer To _____	Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ _____ _____ _____ Refer To _____
FINAL COUNCIL ACTION <input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote	CERTIFIED		MAYOR'S ACTION	